

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Margaret W. Henderson)	
)	
Certificate # 127302)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 13, 2004. On October 24, 2003, the State Department of Education (Department) sent Ms. Margaret W. Henderson a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educator certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Ms. Henderson received the notice, as evidenced by a postal receipt bearing her signature. Ms. Henderson requested a private hearing, which was held on March 24, 2004, before John Fantry, Jr., Esquire, a hearing officer appointed by the State Board. By prior agreement, Ms. Henderson did not appear but presented documentary evidence on her behalf. Pat Mitchell, Executive Director for Human Resources, Greenville County School District (District), appeared and presented documentary evidence and testimony on behalf of the District. After considering the evidence presented, Mr. Fantry recommended that the State Board suspend Ms. Henderson's certificate #127302 for a period of six months, from August 18, 2003, through February 17, 2004. After carefully considering the hearing officer's report, the State Board voted to accept the recommendation of the hearing officer.

FINDINGS OF FACT

Ms. Henderson holds a valid certificate with over eleven years of teaching experience. She was under contract for the 2003-2004 school year with the Greenville County School District (District) with a tentative teaching assignment as a homebound teacher at the Shriner's Hospital. On May 8, 2003, the education program at the hospital was discontinued. On August 4, 2003, Ms. Henderson was verbally informed that she was assigned as a first grade teacher at Stone Academy. Ms. Henderson resigned her position in a letter to the District Superintendent dated August 7, 2003, citing her unwillingness to accept a position as a primary school teacher in a regular program because she had not done this type of

teaching in fifteen years. She indicated a desire for employment as a resource teacher in grades 5-8 or as a kindergarten aide in a school closer to her home. District policy does not permit resignations except for specific extenuating circumstances after July 1st. Ms. Henderson did not report to work as required on August 18, 2003. The District employed a first year educator with similar qualifications to replace Ms. Henderson by August 18, 2003. On October 1, 2003, the District Superintendent wrote Ms. Henderson that her resignation did not meet Board policy. On October 14, 2003, the District Board voted to file a complaint with the State Board to seek the suspension of her certificate for breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board must suspend the educator's contract if the District Board files a complaint and provides conclusive evidence that the educator breached the contract. The State Board finds that there is conclusive evidence that Ms. Henderson breached her contract with the District. Therefore, the Board accepts the hearing officer's recommendation to suspend Ms. Henderson's certificate # 127302 from August 18, 2003, through February 17, 2004, on the ground of unprofessional conduct due to breach of contract. If she wants her certificate reinstated, Ms. Henderson may make a written request for reinstatement to the Office of Teacher Certification of the Department.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Mary E. Jones

Chair

Columbia, South Carolina

April 13, 2004